

JUL 01 2019

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Martin GUERRA

YOB: 1975

SEAL

Case No.

M-19-1538-M
(Related: M-19-1537-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 27, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: one AR-15 style rifle and two Glock 19 pistols, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.AUSA Andrew Henning
7/1/19

Complainant's signature

Ryan McTaggart Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 7-1-19City and state: McAllen, TexasJudge's signature
J. Scott Hacker United States Magistrate Judge
Printed name and title

Attachment "A"

On June 5, 2019, Martin GUERRA messaged a Homeland Security Investigations undercover agent (UCA) multiple photographs of Glock pistols and selector switches and GUERRA and the UCA discussed the sale of the pistols with the selector switches to the UCA.

On June 12, 2019, GUERRA messaged the UCA a photograph of an AR-15 style rifle and the UCA and GUERRA discussed the sale of the rifle to the UCA by GUERRA.

On June 19, 2019, GUERRA told an UCA that GUERRA had taken four (4) pistols into Mexico and offered to meet with the UCA in the United States to receive payment for the pistols, which GUERRA would then provide to the UCA in Mexico and GUERRA and the UCA continued to negotiate the terms for the sale of multiple firearms by GUERRA to the UCA.

On June 19, 2019, the UCA was contacted by a co-conspirator who identified themselves as GUERRA's cousin.

On June 24, 2019, the co-conspirator messaged an UCA a photograph of an AR-15 style rifle and the UCA and the co-conspirator discussed the sale of the firearm from the co-conspirator to the UCA.

The AR-15 style rifle in the photograph appears to be the same AR-15 style rifle which GUERRA messaged to the UCA on June 12, 2019.

On June 25, 2019, the UCA messaged the co-conspirator that the UCA would be traveling to Mexico to get the money to purchase the AR-15 style rifle and the co-conspirator asked the UCA if the UCA also wanted to purchase two (2) pistols. The UCA and the co-conspirator negotiated the terms of the sale and the UCA agreed to purchase the AR-15 style rifle and two (2) pistols after the money to purchase the firearms was brought from Mexico.

On June 27, 2019, the UCA told co-conspirator that the money to purchase the firearms had been brought from Mexico and the UCA was ready to purchase the firearms from the co-conspirator. The co-conspirator stated the pistols were not ready, but the co-conspirator had the AR-15 style rifle available for sale.

On June 27, 2019, the co-conspirator met with an UCA in Pharr, Texas, and sold the UCA one (1) AR-15 style rifle.

The rifle purchased by the UCA appears to be the same rifle from the photograph which was sent by GUERRA to the UCA on June 12, 2019.

On June 27, 2019, an UCA contacted the co-conspirator via telephone and advised the co-conspirator that the AR-15 style rifle, which the co-conspirator sold to the UCA, had been successfully smuggled into Mexico and the co-conspirator stated the co-conspirator was going to pick up the two (2) pistols from GUERRA and would meet with the UCA to sell the pistols to the UCA. The UCA told the co-conspirator that the UCA would need to find a driver to transport the firearms into Mexico before the UCA would purchase the firearms.

On June 27, 2019, An UCA told GUERRA and the co-conspirator via telephone that the firearms were intended to be taken into Mexico.

Attachment "A"

On June 27, 2019, an UCA contacted the co-conspirator via telephone and asked the co-conspirator if the co-conspirator was close and the co-conspirator told the UCA that the co-conspirator was close to the agreed upon meeting location but had to meet with someone to pick up a pistol and the co-conspirator would meet with the UCA immediately after.

On June 27, 2019, SAs observed the co-conspirator meet with GUERRA near the location where the co-conspirator had agreed to meet with the UCA. SAs observed the co-conspirator reach into the window of GUERRA's vehicle and then the co-conspirator returned to the co-conspirators vehicle and then the co-conspirator traveled directly to meet with the UCA.

On June 27, 2019, the co-conspirator met with an UCA and sold the UCA two (2) Glock Pistols and two (2) selector switches.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), AR-15 style rifles and Glock Pistols are determined to be defense articles described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).